

**RECEIVED**  
**CENTRAL FAX CENTER**

JAN 09 2004

**FAX TRANSMITTAL COVER SHEET****OFFICIAL**

**TO:** U. S. Patent and Trademark Office  
Technology Center 1600  
Attn: Examiner, Karen A. Canella  
Art Unit: 1642

**FAX NO.:** (703) 872-9307

**DATE:** January 8, 2004

**FROM:** Carol G. Mintz

Conley Rose, P.C.  
JPMorgan Chase Tower  
600 Travis Street, Suite 7100  
Houston, Texas 77002-2912

**TELEPHONE:** (713) 238-8000

**FAX:** (713) 238-8008

**CLIENT NO.:** 1944-00800

**TOTAL NUMBER OF PAGES (INCLUDING THIS ONE)** 24

**COMMENTS: Re:** U.S. Patent Application No. 09/852,547  
Filing Date: May 10, 2001  
Applicant: David A. Sirbasku

The following documents are attached for filing:

- Request for Continued Examination (RCE) Transmittal (PTO/SB/030)—(1 p.)
- Fee Transmittal for FY 2004 (PTO/SB/017)—(1 p.)
- Amendment and Response to Final Office Action dated October 8, 2003—(21 p.)

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by facsimile transmission on the date shown below to the U.S. Patent and Trademark Office at the above-stated fax number, in accordance with 37 CFR § 1.6(d).

Carol G. Mintz, Reg. No. 38,561  
(Type or print name of person mailing paper)

**Date:** January 8, 2004

Carol G. Mintz  
(Signature of person faxing paper)

This facsimile and the information it contains is intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone.

PTO/SB/017 (10-03)

Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL For FY 2004				Complete if Known																																																																																																																																																																																																																																																																			
<p><i>Effective 10/01/2003. Patent fees are subject to annual revision.</i></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p><b>TOTAL AMOUNT OF PAYMENT</b>      \$385.00</p> <p><b>METHOD OF PAYMENT (Check all that apply)</b></p> <p> <input type="checkbox"/> Check    <input type="checkbox"/> Credit Card    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other    <input type="checkbox"/> None         </p> <p> <input checked="" type="checkbox"/> Deposit Account:            Deposit Account Number:      03-2769            Deposit Account Name:      Conley Rose, P.C.         </p> <p><b>The Director is authorized to: (check all that apply)</b></p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below  <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application  <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account  <input checked="" type="checkbox"/> Credit any overpayments         </p> <p style="text-align: center; font-weight: bold;">FEE CALCULATION</p> <p><b>1. BASIC FILING FEE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee</th> <th>Code (\$)</th> <th>Fee</th> <th>Code (\$)</th> </tr> </thead> <tbody> <tr> <td>1001</td> <td>770</td> <td>2001</td> <td>385</td> <td>Utility filing fee</td> <td>\$</td> </tr> <tr> <td>1002</td> <td>340</td> <td>2002</td> <td>170</td> <td>Design filing fee</td> <td>\$</td> </tr> <tr> <td>1003</td> <td>530</td> <td>2003</td> <td>265</td> <td>Plant filing fee</td> <td>\$</td> </tr> <tr> <td>1004</td> <td>770</td> <td>2004</td> <td>385</td> <td>Reissue filing fee</td> <td>\$</td> </tr> <tr> <td>1005</td> <td>160</td> <td>2005</td> <td>80</td> <td>Provisional filing fee</td> <td>\$</td> </tr> </tbody> </table> <p style="text-align: right; font-weight: bold;">SUBTOTAL (1)      \$</p> <p><b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th colspan="2">Fee Paid</th> </tr> <tr> <th>Total Claims</th> <th></th> <th>44</th> <th>63**</th> <th>0</th> <th>x</th> <th>18.00</th> <th>\$</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>19</td> <td>35**</td> <td>0</td> <td>x</td> <td></td> <td>86.00</td> <td>\$</td> </tr> <tr> <td>Multiple Dependent Claims</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>290.00</td> <td>\$ 00.00</td> </tr> </tbody> </table> <p style="text-align: right; font-weight: bold;">SUBTOTAL (2)      \$</p> <p><small>** or number previously paid, if greater; For Reissues, see above</small></p>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee	Code (\$)	Fee	Code (\$)	1001	770	2001	385	Utility filing fee	\$	1002	340	2002	170	Design filing fee	\$	1003	530	2003	265	Plant filing fee	\$	1004	770	2004	385	Reissue filing fee	\$	1005	160	2005	80	Provisional filing fee	\$			Extra Claims		Fee from below		Fee Paid		Total Claims		44	63**	0	x	18.00	\$	Independent Claims	19	35**	0	x		86.00	\$	Multiple Dependent Claims						290.00	\$ 00.00	<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee</th> <th>Code (\$)</th> <th>Fee</th> <th>Code (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>\$</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td>\$</td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td>\$</td> </tr> <tr> <td>18042</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td>\$</td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td>\$</td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td>\$</td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td>\$</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td>\$</td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1452</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td>\$</td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td>\$</td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td>\$</td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td>\$</td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td>\$</td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td>\$</td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td>\$</td> </tr> <tr> <td>1807</td> <td>50</td> <td>1806</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(g)</td> <td>\$</td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td>Petitions related to provisional applications</td> <td>\$</td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td>\$</td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$</td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td>\$</td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td>\$</td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td>\$385.00</td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td>\$</td> </tr> </tbody> </table> <p>Other fee (specify)      \$</p> <p>*Reduced by Basic Filing Fee Paid      <b>SUBTOTAL (3)      \$385.00</b></p>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee	Code (\$)	Fee	Code (\$)	1051	130	2051	65	Surcharge - late filing fee or oath	\$	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$	1053	130	1053	130	Non-English specification	\$	1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$	18042	920*	1804	920*	Requesting publication of SIR prior to Examiner action	\$	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	\$	1251	110	2251	55	Extension for reply within first month	\$	1252	420	2252	210	Extension for reply within second month	\$	1253	950	2253	475	Extension for reply within third month	\$	1254	1,480	2254	740	Extension for reply within fourth month	\$	1255	2,010	2255	1,005	Extension for reply within fifth month	\$	1401	330	2401	165	Notice of Appeal	\$	1402	330	2402	165	Filing a brief in support of an appeal	\$	1403	280	2403	140	Request for oral hearing	\$	1451	1,510	1452	1,510	Petition to institute a public use proceeding	\$	1452	110	2452	55	Petition to revive - unavoidable	\$	1453	1,330	2453	665	Petition to revive - unintentional	\$	1501	1,330	2501	665	Utility issue fee (or reissue)	\$	1502	480	2502	240	Design issue fee	\$	1503	640	2503	320	Plant issue fee	\$	1460	130	1460	130	Petitions to the Commissioner	\$	1807	50	1806	50	Processing fee under 37 CFR 1.17(g)	\$	123	50	123	50	Petitions related to provisional applications	\$	1806	180	1806	180	Submission of Information Disclosure Stmt	\$	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$	1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	\$	1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	\$	1801	770	2801	385	Request for Continued Examination (RCE)	\$385.00	1802	900	1802	900	Request for expedited examination of a design application	\$
				Large Entity		Small Entity				Fee Description	Fee Paid																																																																																																																																																																																																																																																												
				Fee	Code (\$)	Fee	Code (\$)																																																																																																																																																																																																																																																																
				1001	770	2001	385	Utility filing fee	\$																																																																																																																																																																																																																																																														
				1002	340	2002	170	Design filing fee	\$																																																																																																																																																																																																																																																														
1003	530	2003	265	Plant filing fee	\$																																																																																																																																																																																																																																																																		
1004	770	2004	385	Reissue filing fee	\$																																																																																																																																																																																																																																																																		
1005	160	2005	80	Provisional filing fee	\$																																																																																																																																																																																																																																																																		
		Extra Claims		Fee from below		Fee Paid																																																																																																																																																																																																																																																																	
Total Claims		44	63**	0	x	18.00	\$																																																																																																																																																																																																																																																																
Independent Claims	19	35**	0	x		86.00	\$																																																																																																																																																																																																																																																																
Multiple Dependent Claims						290.00	\$ 00.00																																																																																																																																																																																																																																																																
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																																		
Fee	Code (\$)	Fee	Code (\$)																																																																																																																																																																																																																																																																				
1051	130	2051	65	Surcharge - late filing fee or oath	\$																																																																																																																																																																																																																																																																		
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$																																																																																																																																																																																																																																																																		
1053	130	1053	130	Non-English specification	\$																																																																																																																																																																																																																																																																		
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$																																																																																																																																																																																																																																																																		
18042	920*	1804	920*	Requesting publication of SIR prior to Examiner action	\$																																																																																																																																																																																																																																																																		
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	\$																																																																																																																																																																																																																																																																		
1251	110	2251	55	Extension for reply within first month	\$																																																																																																																																																																																																																																																																		
1252	420	2252	210	Extension for reply within second month	\$																																																																																																																																																																																																																																																																		
1253	950	2253	475	Extension for reply within third month	\$																																																																																																																																																																																																																																																																		
1254	1,480	2254	740	Extension for reply within fourth month	\$																																																																																																																																																																																																																																																																		
1255	2,010	2255	1,005	Extension for reply within fifth month	\$																																																																																																																																																																																																																																																																		
1401	330	2401	165	Notice of Appeal	\$																																																																																																																																																																																																																																																																		
1402	330	2402	165	Filing a brief in support of an appeal	\$																																																																																																																																																																																																																																																																		
1403	280	2403	140	Request for oral hearing	\$																																																																																																																																																																																																																																																																		
1451	1,510	1452	1,510	Petition to institute a public use proceeding	\$																																																																																																																																																																																																																																																																		
1452	110	2452	55	Petition to revive - unavoidable	\$																																																																																																																																																																																																																																																																		
1453	1,330	2453	665	Petition to revive - unintentional	\$																																																																																																																																																																																																																																																																		
1501	1,330	2501	665	Utility issue fee (or reissue)	\$																																																																																																																																																																																																																																																																		
1502	480	2502	240	Design issue fee	\$																																																																																																																																																																																																																																																																		
1503	640	2503	320	Plant issue fee	\$																																																																																																																																																																																																																																																																		
1460	130	1460	130	Petitions to the Commissioner	\$																																																																																																																																																																																																																																																																		
1807	50	1806	50	Processing fee under 37 CFR 1.17(g)	\$																																																																																																																																																																																																																																																																		
123	50	123	50	Petitions related to provisional applications	\$																																																																																																																																																																																																																																																																		
1806	180	1806	180	Submission of Information Disclosure Stmt	\$																																																																																																																																																																																																																																																																		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$																																																																																																																																																																																																																																																																		
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	\$																																																																																																																																																																																																																																																																		
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	\$																																																																																																																																																																																																																																																																		
1801	770	2801	385	Request for Continued Examination (RCE)	\$385.00																																																																																																																																																																																																																																																																		
1802	900	1802	900	Request for expedited examination of a design application	\$																																																																																																																																																																																																																																																																		
SUBMITTED BY				Complete (if applicable)																																																																																																																																																																																																																																																																			
Name (Print/Type)		Carol G. Mintz		Registration No. (Attorney/Agent)		38,561																																																																																																																																																																																																																																																																	
Telephone		(713) 238-8000		Date		January 8, 2004																																																																																																																																																																																																																																																																	
Signature		<i>Carol G. Mintz</i>																																																																																																																																																																																																																																																																					

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-0PTO-9199 (1-800-786-9199) and select option 2.

117334.01 / 1944-00800

PTO/SB/030 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/852,547
	Filing Date	May 10, 2001
	First Named Inventor	David A. Sirbasku
	Art Unit	1642
	Examiner Name	Karen A. Canella
	Attorney Docket Number	1944-00800

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. ☐ Submission required under 37 C.F.R. § 1.114. Note: If the RCE is proper, any previously filed unentered amendments which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

ii. ☐ Other

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

2. ☐ Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other

3. ☐ Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-2769

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Carol G. Mintz	Registration No. (Attorney/Agent)	38,561
Signature	<i>Carol G. Mintz</i>	Date	January 8, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	CAROL G. MINTZ
Signature	<i>Carol G. Mintz</i>
Date	1/8/2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.